IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH JAIPUR.

O R D E R

D.B. CIVIL SPECIAL APPEAL (WRIT) NO.659/2007.
In
S.B. CIVIL WRIT PETITION NO.2811/2006.

Registrar Cooperative Societies & Ors.

Vs.

The Judge Labour Court No.2, Jaipur and ors.

Date of Order:- **November 27, 2007.**

PRESENT

HON'BLE THE ACTING CHIEF JUSTICE MR.RAJESH BALIA
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. Harshvardhan Nandvana, Deputy Government Advocate.
Shri S.S. Naruka for the respondent No.2-workman.
Shri Brij Sharma on behalf of
Shri R.B. Mathur for the respondent No.3.

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BY THE COURT (Per: Hon'ble Mr.Rajesh Balia, ACJ):

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Heard learned counsel for the appellants as well as learned counsel for the workman in whose favour award has been made by the Labour Court finding his retrenchment to be illegal and directing his reinstatement with back wages as an employee of the respondent No.3, the Cooperative Society.

2) The contention of the appellants is limited that since employer of respondents No.2 is respondent No.3, the award should have been passed only against the respondent No.3, if at all any. The appellants No.1 to 3 who are the statutory officers and are exercising the supervisory jurisdiction over the affairs of the Cooperative Society under the statutory provisions, are not the employers therefore, they ought not to be subjected to direction issued in the award. This contention of the appellants is not disputed by the respondent No.2 who has appeared before us through his counsel.

Argument appears to be justified inasmuch as, the employer-employee relationship exist only between the respondent No.3 the Cooperative Society and respondent No.2-workman. The appellants who are arrayed as party before the Labour Court in terms of the reference are not actual employers of the workman and, therefore, they do not have any responsibility of workman except they may exercise supervisory jurisdiction over the Cooperative Society and the appellants while exercising

supervisory control over the Cooperative Society cannot be held responsible for consequence of termination order. In that view of the matter, the writ petition filed by the present appellants ought to have been allowed by the learned Single Judge to the extent of absolving them from the liability of workman fastened jointly upon all the respondents in the award by the labour court.

3) The award of the labour court is accordingly modified to the extent that appellants No.1 to 3 not being employers of the respondent No.2-workman, the award would not be directed against them with regard to the direction of reinstatement of respondent No.2 with full back wages and continuity in service of respondent No.3, the Cooperative Society.

The special appeal is disposed of with the award of the Labour Court modified in the manner indicated above.

(MOHAMMAD RAFIQ), J. **(RAJESH BALIA) Actg.CJ.**

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